

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SANFORD COHEN,

Civil Action No. 23-CV-1827(LTS)

Plaintiff,

-against-

Daryl C. TOWNS, in his individual and official capacity as Chairman of the New York Board of Parole; DANIEL F. MARTUSCELLO; in his individual and official capacity as Acting Commissioner of the Department of Corrections and Community Supervision; Bureau Chief Yasmin Castro nee Garcia; Parole Officers Tori Kitching; "Doe" Greene and Jane/John Does 1-5 all in their individual And official capacities as employees of the Department Of Corrections and Community Supervision.

Defendants.

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**ORDER TO SHOW CAUSE FOR
A TEMPORARY RESTRAINING ORDER/
PRELIMINARY INJUNCTION**

Upon the affidavits/declarations of Stacey Richman and Sanford Cohen, sworn to on April 4, 2025, the accompanying memorandum of law in support of the motion for a preliminary injunction and upon the complaint in this matter, it is

ORDERED, that the above named defendants show cause before a motion term of this Court, at Room 17C United States Courthouse, 500 Pearl Street, in the City, County and State of New York, on April 25, 2025 at 2 o'clock in the after noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the defendants during the pendency of this action from infringing on Plaintiff's religious observance; and it is further

In the hours permitted by the following schedule: Plaintiff shall be present in the shelter (unless the shelter grants a late pass) from 11:00 PM to 6:15 AM from Sunday to Friday mornings, and from 12:30 AM to 6:15 AM on Saturday and Sunday mornings as well

ORDERED that, sufficient reason having been shown therefor, pending the hearing of

Plaintiff's application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., the

defendant is temporarily restrained and enjoined from 1) directing the Clarke Thomas Shelter

located at 121 Hellgate Circle, New York, New York to deny Plaintiff late passes to return to the

shelter in order to permit him to participate in religious observance; and 2) directing Defendants'

to alter Plaintiff's curfew to permit him to participate in religious observance. At a minimum,

curfew should be altered from 9 p.m. to 7 a.m. to midnight to 6 a.m. In the alternative the

Defendants regular practice of permitting Plaintiff to text when he has returned to the shelter

after religious observance shall continue. Defendants are directed to inform the shelter

that it may issue late passes to Plaintiff for

religious observance.

ORDERED that no security is necessary to be posted by the Plaintiff due to the nature of

his application.

ORDERED that email service of this order and annexed affidavit upon the Defendants or

their counsel on or before 6 o'clock in the afternoon, April 7, 2025, shall be

deemed good and sufficient service thereof.

DATED: New York, New York

ISSUED: 5:00 p.m.

April 7, 2025

Chief


United States District Judge

Opposition to the preliminary injunction application may be filed by June 13, 2025 and reply paper may be filed by June 20, 2025. The parties shall file a joint status letter by June 20, 2025.

¹ Defendants regularly permit Plaintiff to simply text his parole officer when he is to return outside of his curfew times.